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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,358	10/30/2001	Eiji Kawai	450100-03567	2712
20999	7590	07/20/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,358

Applicant(s)

KAWAI, EIJI

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 26-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION***Election/Restrictions***

Applicant's election without traverse of claims 1-14 and 26-38 in the reply filed on 04/29/04 is acknowledged. Applicant's revised species identification is acknowledged.

Specification

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. For examples on page 4, in line 6, the expression "Furthermore, although only one required clock can be use for a user as the same time, if one attempts to own a plurality of wristwatches..." in lines 16-20, "...an information distribution system, a hand held terminal devices, an information recording medium, and an information processing method such that a plurality of software watches with different design quality can be configured..." On page 10, in line 5, "a time of a software watch can be precisely adjusted o a reference time." On page 19, in line 3, "wachth" should be "watch".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 and 26-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 1, applicant should clarify what is intended by "the watch information contents" and their distribution. In lines 1-2, the relationship between the "watch information contents" and the "variety of clocks, and processing information" is unclear. In lines 3-4, applicant should clarify how the distribution apparatus distributes the watch information contents. In line 4, applicant should clarify what is meant by the "watch information contents" concerning "said a variety of prepared clocks". It is unclear what is meant by "prepared clocks". In lines 4-5, the function performed by "concerning said a variety of prepared clocks as data to an information user's hand held terminal device." In line 6, it is not clear whether it is intended that the acquisition of the watch information contents is by a plurality of hand held terminal devices. Applicant should clarify what function is intended by the terminal devices acquiring and processing watch information contents. In line 7, applicant should clarify what is intended by the watch information contents being distributed by the information distribution apparatus. In line 8, applicant should clarify where the video image is displayed.

In claim 2, lines 4-5, applicant should clarify where the data is inserted which watch information contents are used to form the data insert. In line 7, applicant should clarify what component processed the transmission section.

In claim 4, lines 2-4, it is unclear what applicant meant by "the watch information contents contain at least video image information on a clock character board and time display software."

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In claim 5, lines 3-5, applicant should clarify how the watch information contents are input by the operating section and received. In lines 8-12, applicant should clarify the function and operation of the control unit.

In claim 6, lines 6-7, applicant should clarify whether the “electronic information contents” are the same contents as the “watch information contents”.

In claim 7, applicant should clarify the relationship of the information contents between the “information provider” and the “information distribution apparatus”.

In claim 8, applicant should the association between the watch information content and the time information managed by the hand held terminal device.

In claim 9, line 2, applicant should clarify what is meant by “time information that is a reference from the information provider.” In lines 3-4, applicant should clarify the distribution of the data therebetween. In lines 4-6, applicant should clarify the correction of the watch information.

In claim 10, in line 3, applicant should clarify what is meant by the “arbitrary advertisement information.” Applicant should clarify the specific associated additional information.

In claim 11, applicant should clarify what is meant by the distribution of the watch information contents based on the regular or irregular period.

In claim 12, applicant should clarify how the character board is adapted and how the information is displayed.

In claim 13, applicant should clarify how the hand held device is prepared and arbitrarily adjusted.

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In claim 14, in line 3, there is no antecedent basis for "the two hand held terminals."

In claim 26, in lines 1-2, applicant should clarify how the watch information contents are processed relative to a variety of clocks. Applicant should clarify what is meant by watch information contents. The preparation of the watch information contents is unclear. In lines 4-5, applicant should clarify the distribution of the watch information contents to the hand held terminal device. In lines 5-8, applicant should clarify how the display is generated by the watch information contents.

In claim 27, applicant should clarify the acquisition of the watch information contents.

In claim 29, applicant should clarify the recording and used of the watch information contents relative to the information recording medium. It is unclear what applicant intended by the information recording medium.

In claim 30, in lines 2-3, there is no antecedent basis for "the existing sales infrastructure".

In claim 31, lines 2-3, there is no antecedent basis for "the time information already manage by the hand held terminal device".

In claim 32, line 4, there is no antecedent basis for "the watch information managed by..." In line 5, there is no antecedent basis for "the time information defined as a reference"

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In claim 33, applicant should clarify what specific is displayed on the portion of the clock screen managed by the hand held terminal device. It is not clear what is meant by "to be on sales is distributed as the same time so as to..."

In claim 34, in line 2, applicant should clarify what is meant by clock screen information configuring. In line 3, applicant should clarify what is stored and how it is used.

In claim 35, applicant should clarify what is meant by a regular or irregular period.

In claim 36, applicant should clarify how the character board background is adapted to the season.

In claim 37, applicant should clarify how the hand held device is prepared and arbitrarily adjusted.

In claim 38, lines 2-3, there is no antecedent basis for "the two hand held terminals".


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp


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PRIMARY EXAMINER